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Human rights situations that require the Council's attention

Written statement* submitted by Human Rights Now, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[6 February 2023]

* Issued as received, in the language of submission only.

Two Years After the Coup in Myanmar, the Junta and Military Continue to Perpetrate Serious Human Rights Violations

Human Rights Now (HRN) continues to express deep concern over the ongoing humanitarian crisis in Myanmar since the 2021 coup, and we denounce the continuing violations of human rights perpetuated by the Myanmar junta in its treatment of protestors, political arrests, and arbitrary uses of the death penalty. We also condemn the widespread disregard for human rights and life displayed by the Tatmadaw, Myanmar's military, in its targeting of civilians and its deliberate exacerbation of the humanitarian crisis. We call on the junta to respect the outcome of the 2020 election, restore the democratically elected government, end all forms of state violence against civilians, and ensure accountability for all violations.

I. ONGOING CRACKDOWN AGAINST CIVIL SOCIETY

A. Extrajudicial Killings and Arbitrary Arrests

Since the February 2021 coup, which the junta just decided on 1 February 2023 to extend another six months,[1] Myanmar's junta has continued to crackdown against Myanmar's civil society. A National Unity Government (NUG) ministry estimates that more than 3,000 civilians, many of whom were protestors, have been subject to extrajudicial killings by the junta,[2] and AAPP has documented over 17,500 civilians arbitrarily arrested.[3] Of these, at least 101 prisoners are currently on death row, an additional 42 civilians have been sentenced to death in absentia, and four persons were executed in July 2022.[4]

B. Targeting of Journalists and Political Actors

Among those specifically targeted by the crackdown are members of the independent media and the junta's political opposition. In a joint statement released in September 2022, 33 Burmese news groups noted that more 140 journalists had been arbitrarily jailed since the junta seized power, and at least 4 journalists have died as a result of torture.[5] Similarly, at least 649 members of the National League for Democracy have been arbitrarily detained or arrested, with at least 489 still detained.[6] This includes former State-Counsellor Aung San Suu Kyi, who continues to face new arbitrary criminal charges carrying a sentence of 33 years imprisonment.[7]

II. HUMAN RIGHTS VIOLATIONS BY THE TATMADAW

Violence by Myanmar's military, the Tatmadaw, has continued to escalate, with 412 armed clashes involving the military taking place last year in Kayah state alone.[8] According to one report, there were at least 668 airstrikes by the air force in 2022, a 12-fold increase over the previous year, and more than 50,000 houses destroyed.[9]

Throughout December 2022, several villages reported being targeted by military raids and indiscriminate artillery fire, while humanitarian aid workers have been deliberately impeded by the military through security checks, roadblocks and threats to their personal safety.[10] Over the course of three days during January 2023, the Tatmadaw deliberately set fire to thousands of civilian homes in Yinmarbin township and nearby villages, displacing approximately 10,000 people who were forced to flee.[11] Additionally, on 19 January 2023, the Tatmadaw launched indiscriminate airstrikes on a village in the Sagaing region, killing 7 civilians and injuring at least 5 more.[12]

The Tatmadaw's continuing disregard for human life and its international obligations will only compound the displacement and humanitarian crisis faced by traumatized and displaced residents.

III. ESCALATING HUMANITARIAN CRISIS

A. Displacement of Peoples

More than 1.5 million people remain internally displaced within Myanmar as a result of the violence.[13] The number of displaced peoples attempting to flee Myanmar also continues to grow, especially among targeted ethnic minorities. In 2022 there was a fivefold increase in the number of Rohingya attempting to flee Myanmar by sea, which places them at great risk of exploitative trafficking, lethal accidents on unseaworthy vessels, and recapture and further punishment by the junta.[14]

B. Children At Risk

OCHA has recognized that the most vulnerable members of Burmese society, including ethnic minorities, women and children, are among those most impacted by the humanitarian crisis.[15] The Special Rapporteur on Myanmar's report last June estimated that 7.8 million children were unable to attend school, with schools being actively targeted by the military in hundreds of attacks.[16] Additionally, approximately 5 million children were reported in need of humanitarian assistance, and 33,000 children were predicted to die over 2022 from preventable causes as a result of missed immunizations.[17] There has not been a sufficient response to these failures to lead one to expect that these numbers will see any improvement in 2023.

IV. INEFFECTUAL RESPONSE OF THE INTERNATIONAL COMMUNITY

HRN welcomes the adoption of Resolution 2669 by the UN Security Council on 21 December 2022, which demands, inter alia, an immediate end to all forms of violence, the release of arbitrarily detained and political prisoners, the protection of minority groups and the allowance of unimpeded humanitarian access in Myanmar.[18] However, HRN shares the concerns of the Special Rapporteur that the resolution fails to ensure consequences as well as require specific conduct by the international community, including the imposition of sanctions, a weapons embargo, facilitating accountability, and other targeted, coordinated action.[19] We also note that the 2022 Humanitarian Response Plan has only reached 35% of its required funding, which is indicative of a broader lack of financial support from the international community.[20]

The need for sanctions and an embargo is especially relevant in light of the Special Advisory Council on Myanmar's recent report stating that firms from at least 13 UN member states have continued to supply the Tatmadaw with arms or otherwise supply and enable the junta's internal arms manufacturing operations, such as the delivery last year of Sukhoi Su-30 fighter jets by the government of Russia to Myanmar.[21] The supply and production of arms has directly enabled the continuance of state violence in Myanmar and exacerbated the humanitarian crisis. Similarly, recent evidence reveals that a private international firm enabled the junta's crackdown on civil rights by supplying the regime with intercept spyware needed to surveil members of civil society and government dissidents prior to the military coup.[22] These findings demonstrate the need for stringent sanctions and other effective responses to de-escalate the situation in Myanmar.

V. RECOMMENDATIONS

HRN strongly condemns the killing and other violence against civilians by Myanmar's junta and armed forces, as well as the torture, arbitrary arrests, and persecution of civil society, protestors, political actors, and journalists, and we make the following recommendations.

- We call on the junta to respect the outcome of the 2020 election, to end the arbitrary arrest and torture of protestors and political actors and their supporters, and to provide humanitarian assistance to all displaced people in Myanmar.

- We ask the international community to implement rigorous sanctions including an arms embargo against the junta, and to support a binding resolution on an embargo.
- We call on transnational businesses to end any business in Myanmar that could support the junta or armed forces in Myanmar.
- We finally request the Council and its members to support a resolution and take effective measures that facilitate accountability for violence against civilians and other violations by the junta and military.

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2.Irrawaddy, “NUG: Over 3,000 Civilians Killed by Myanmar Regime Since Last September”, 13 Sep. 2022, <https://www.irrawaddy.com/news/burma/nug-over-3000-civilians-killed-by-myanmar-regime-since-last-september.html>.

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4.Id.; HRN, “HRN Condemns the Unacceptable Execution of Four Persons in Myanmar”, 29 July 2022, <https://hrn.or.jp/eng/news/2022/07/29/myanmar-execution-statement/>.

5.Mizzima News, “Independent Myanmar media object to ‘fake news’ junta presentation at regional dialogue meet”, 10 Sep. 2022, <https://mizzima.com/article/independent-myanmar-media-object-fake-news-junta-presentation-regional-dialogue-meet>.

6.UN News, “‘Urgent, renewed effort’ needed to restore civilian rule in Myanmar: Bachelet”, 28 Jan. 2022, <https://news.un.org/en/story/2022/01/1110792>.

7.Mao, “Aung San Suu Kyi jailed for a further seven years”, BBC News, 30 Dec. 2022, <https://www.bbc.com/news/world-asia-64123149>.

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10.OCHA, “Myanmar Humanitarian Update No. 25”, 30 Dec. 2022, <https://reliefweb.int/report/myanmar/myanmar-humanitarian-update-no-25-30-december-2022>.

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12.Reuters, “Myanmar military bombs village, killing seven, sources say”, 19 Jan. 2022, <https://www.reuters.com/world/asia-pacific/myanmar-military-bombs-village-killing-seven-sources-2023-01-19/>.

13.Id.

14.Reuters, “Rohingya fleeing Myanmar or Bangladesh by sea surged fivefold in 2022”, 17 Jan. 2023, <https://www.reuters.com/world/asia-pacific/rohingya-attempts-cross-via-sea-jump-five-times-2022-un-refugee-agency-2023-01-17/>; OCHA, “Coordinated regional action urged to stop Rohingya

deaths at sea: UN expert”, 22 Dec. 2022, <https://www.ohchr.org/en/press-releases/2022/12/coordinated-regional-action-urged-stop-rohingya-deaths-sea-un-expert>.

15.OCHA, above, note 9.

16.“Losing a Generation: How the military junta is attacking Myanmar’s children and stealing their future.”, A/HRC/50/CRP.1, 13 Jun. 2022, <https://www.ohchr.org/en/documents/thematic-reports/ahrc50crp1-conference-room-paper-special-rapporteur-losing-generation>.

17.Id.

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22.Potkin and Mcpherson, “Israel's Cognyte won tender to sell intercept spyware to Myanmar before coup - documents”, Reuters, 18 Jan. 2023, <https://www.reuters.com/technology/israels-cognyte-won-tender-sell-intercept-spyware-myanmar-before-coup-documents-2023-01-15/>.